

Minutes of the Regular Meeting of Stow City Council held on Thursday, October 26, 2017, at 7:00 p.m.

Council Members Present: Rasor, Riehl, Adaska, Costello, D'Antonio, Lowdermilk & Pribonic

City Officials Present: Finance Director Baranek, Law Director Zibritosky, Director of Budget & Management Earle, Service Director Wren, Deputy Engineer Jones, Director of Planning & Development Kurtz, Manager of Information Systems Germano, Police Chief Film, Fire Chief Stone & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

Mr. Rasor called the meeting to order and Mr. Adaska led the prayer and pledge of allegiance.

Approval of Minutes

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to approve the Minutes of the Regular Council Meeting of September 28, 2017 as circulated.

Yes Votes: Rasor, Riehl, Adaska, Costello,
 D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Committee Reports

Mr. Adaska reported on the Public Improvements Committee Meeting of October 26, 2017 as follows:

1. Discussed two liquor permit applications.
2. Discussed the Mayor's appointment to the Planning Commission.
3. Discussed proposed amendments to a cell tower lease.

Mr. Rasor reported on the Committee-of-the-Whole Meeting of October 26, 2017 as follows:

1. Two items would be introduced in legislative form this evening.

Comments from Other Persons Present

Mary Mumper
4242 Hile Road

Mrs. Mumper stated she would like to see Council be conservative with taxpayer dollars.

She spoke with a Councilman from Hudson Ohio about the regionalizing of the dispatch center about two months ago. He said they had decided to wait and see. She wanted our Council to do that and not spend any money for a consultant fee.

She believed if they did the regionalization, it would create a larger government and help them to lose their local control. She hoped Council would be conservative with taxpayer dollars.

Alex Bryan
4674 Trillium Drive

Mr. Bryan wanted to speak about the matter that was scheduled to come before Council this evening funding the consultant effort to recommend and implement a regional shared CAD system as well as the consolidation of the dispatch centers in the Cities of Stow, Cuyahoga Falls, Fairlawn, Green and Summit County leading ultimately to the creation of a Council of Governments, a COG that would govern over the regional dispatch center.

Earlier this month the Stow Sentry published an article reporting on the updated plan to regionalize Stow's 911 Dispatch Center stripping away our local control. In that article, the Cities of Fairlawn and Green were not mentioned. Not until the County's Press Release did the public become aware of these two additional communities joining in this COG proposal. Getting back to the article in the Stow Sentry, our Police Chief stated that our current 911 Dispatch Center was top notch.

He had heard the argument – promises of state money. If you listened to the state of the county, you would hear repeated complaints of promised money from the State being cut. You would hear from most cities that local government funds were disappearing. Yet the early numbers reported regarding this COG showed yearly operating expenses increasing 40% and requiring more than a \$3,000,000 initial investment.

Stow collected \$68,000 in the State's E-911 Funds last year. He asked why they were chasing promised money from the State at the taxpayers' expense? The COG is a bad deal for the taxpayers of Stow. He asked Council tonight to reject the expense of any taxpayer dollars to fund a road to nowhere. He thanked Council for their time.

City Officials' Reports

Service Director Wren reported for Mayor Kline as follows:

1. Mayor Kline regretted that she couldn't be present this evening.
2. Tomorrow they would host the Trick-or-Treat Street from 2:30 p.m. until 4:00 p.m. That was aimed at kids 8 years of age and under.

On Saturday they would have their city-wide Trick-or-Treat. That would go from 5:30 p.m. until 7:30 p.m.

Mr. Costello stated that his granddaughter had asked since there was an 80% chance of rain on Saturday, if they would be cancelling Trick-or-Treat because of that? Mr. Wren stated they would not cancel Trick-or-Treat because of rain.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bill Listing:

Total - \$1,791,376.

Of that:

\$721,250 was for one payroll;

\$467,536 was for capital improvements;

\$106,626 was for bulk purchases of salt and fuel;

\$89,025 was for employee benefits
(predominantly health care);
\$85,568 was for the City's third-quarter
tax sharing payment to the City of Akron; and
\$50,000 was for a CIC grant for the
Max-Trac Tire Company.

Law Director Zibritosky reported as follows:

1. There was an Executive Session earlier this evening to talk about pending/imminent litigation. She wanted to talk about the opioid crises and how this litigation relates to it.

Nearly everyone here tonight, whether they were a public official, an employee or a concerned resident, knew someone who has struggled with an opioid addiction. Many of them had witnessed close family members or friends struggle. Many of them had witnessed or experienced the rippling effects this disease has on entire families. Far too many of them have had family and friends that have lost their battle with addiction in this devastating epidemic.

Sadly our great State of Ohio is the nation's leader in deaths due to opioid overdose with 3,310 in 2015 and 4,050 in 2016. Nationwide the death toll continues to swell with nearly 62,000 overdose deaths in last year alone. Just to give them some perspective on that number, the entirety of the Vietnam War resulted in 55,000 deaths. So in one year, last year, they had more.

It is no wonder by President Trump declared this crises a national public health emergency this afternoon and that our own Summit County Executive, Ilene Shapiro, announced yesterday during her State of the County Address that she would be declaring this crises a State of Emergency for Summit County. She knew she wasn't alone in applauding both leaders for doing so. Our country is battling this devastating epidemic and Ohio is Ground Zero.

She asked how that fit into Stow and how did they, as a city, continue to fight this epidemic in their own home? Our own data indicates that Stow is far from immune to this crises. In 2016 93 patients were admitted to emergency rooms from drug overdoses from the City of Stow. Our safety forces responded to nearly 60 calls. In comparison, our fire and EMS records indicate that we responded to 17 in 2013.

As the Law Director and Chief Prosecutor she had seen this epidemic grow over the years and has witnessed the strain it has placed on our first responders, the court system, our jails and of course our families here in Stow. Our first responders are really on the frontlines of this battle and have saved countless lives with many of our initiatives from our training and use of Narcan to our quick response team initiatives with Community Health and the ADM Board. Chief Stone, Chief Film and their departments really work tirelessly in this effort and often put themselves at risk in dealing with these toxic substances.

Tonight, she and the Mayor who is not present were asking City Council to help them continue this fight by authorizing legislation to hire and file a class-action lawsuit in conjunction with Summit County, the City of Akron, the City of Barberton, the City of Cuyahoga Falls and possibly others to join them against the pharmaceutical companies and health distributors responsible for this crises.

This lawsuit will not be easy and it will not be quick. However, she did believe it is necessary and most importantly she believed it would be impactful to our community. So much of our resources and tax dollars have gone to this fight while the suppliers of this poison causing this public health crises continue to profit and bear no responsibility.

Tonight she asked the Councilmen to vote in favor of this ordinance so that they may at long last force those profiting from our crises to share in the resulting burden. She asked them to authorize authorization to hire a combination of firms to work in conjunction with the City. She pointed out that the hiring of these firms was on a contingency basis only and, therefore, it would not cost the City any money out-of-pocket.

She thought this was quite frankly a no-brainer for this Council. They all knew the impact of this terrible disease and epidemic. She asked them to help them by giving them more tools to help their residents and be reimbursed for the cost that they had all borne.

She also wanted to thank the Chiefs who were on the frontlines every day.

New Business

MOTION:

Mr. Adaska moved and Mr. Costello seconded to confirm the Mayor's appointment of Jared Miller to the vacant position of Ward 4 Representative of the Planning Commission for a term ending January 2, 2021.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

MOTION:

Mr. Rasor moved and Mr. Adaska seconded to donate \$500 to the Stow-Munroe Falls High School's Close Up Program from Council's Contingency Fund.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

MOTION:

Mr. Riehl moved and Mr. Costello seconded to transfer \$25,000 to the Stow Community Improvement Corporation's budget.

Mr. Lowdermilk wanted to reiterate from the Committee Meeting that about a year ago they hired a consultant to look at the Stow Community Improvement Corporation's effectiveness. They recommended several changes to make it more beneficial to businesses coming into the community and help to start the CIC on a path of funding itself for future developments.

To this day it appears that none or very few of those recommendations have been implemented from what anybody could tell. He wasn't so sure another \$25,000 would be wise at this point, especially when they looked at what the surveys of the business leaders and some of the people they interviewed had indicated as far as how the money was allocated.

Mr. Adaska suggested that Council hold this item and ask a representative from the CIC to come here to discuss it and let them know what implementation came out of that report. He hadn't heard anything. Mr. Lowdermilk had said that he hadn't hear anything either. Therefore he thought it might behoove them to have a representative address the matter before they granted them another \$25,000.

MOTION:

Mr. Adaska moved to table the matter. Mr. Lowdermilk seconded the motion.

Yes Votes: Adaska & Lowdermilk

No Votes: Razor, Riehl, Costello, D'Antonio & Pribonic.
The motion to table failed.

Mr. Riehl stated he would be voting no on this. He thought they had to remember that at the end of the day this was taxpayer dollars. The CIC on a few occasions had not followed their own guidelines when giving taxpayer dollars as incentives to businesses.

He thought the more prudent way to go about it, since it was taxpayer dollars and Council had the power of the purse, if there was a legitimate project that they believed in, they should come to City Council and ask for the incentives. Council, as the elected representatives, should then decide whether or not it was a worthy project or not.

Mr. Razor agreed with Mr. Riehl. He had been seriously disappointed in the way that the CIC had spent money over the last 12-months, often violating its own rules. It seemed like they give money to whoever asks for it, which he thought was not a good use of taxpayer dollars.

He saw there being a value and a use for the CIC, but it has to be implemented with policies and procedures. It wasn't just the whims of the ladies and gentlemen who sit on that board. Therefore, he would also be voting no on the transfer.

Yes Votes: Costello

No Votes: Razor, Riehl, Adaska, D'Antonio, Lowdermilk & Pribonic
The motion failed.

Mr. Riehl stated earlier this year City Council unanimously put Issue No. 15 on the ballot. It saves the taxpayers' dollars by eliminating useless primaries. There are numerous communities in Summit County that are non-partisan that do not have municipal primaries. Stow was one of five or six communities that do.

MOTION:

Mr. Riehl moved and Mr. Lowdermilk seconded for City Council to endorse Issue No 15.

Yes Votes: Razor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Disposition of Ordinances & Resolutions

Mr. Riehl introduced Ordinance No. 2017-109, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO RENEWAL CONTRACTS WITH WICHERT INSURANCE SERVICES, INC. AND LOVE INSURANCE AGENCY FOR GENERAL INSURANCE COVERAGE, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Pribonic seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2017-109.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-109 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-110, entitled:

A TEMPORARY APPROPRIATION ORDINANCE PROVIDING FOR THE
EXPENSES OF THE CITY OF STOW FOR THE YEAR 2018 AND DECLAR-
ING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-110.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-110 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2017-111 was held.

Mr. Adaska introduced Ordinance No. 2017-112, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST
AMENDMENT TO THE LAND LEASE AGREEMENT BETWEEN THE CITY
OF STOW AND NEW PAR DBA VERIZON WIRELESS (FORMERLY AIR-
TOUCH CELLULAR) IN ACCORDANCE WITH THE LAND LEASE AGREE-
MENT EXECUTED ON OCTOBER 13, 1998 FOR THE CONSTRUCTION,
OPERATION AND MANAGEMENT OF THE TELECOMMUNICATIONS
TRANSMISSION FACILITY LOCATED AT 3280 DARROW ROAD (ADELL
DURBIN PARK) IN THE CITY OF STOW, AND DECLARING AN EMER-
GENCY.

which was read by title by the Clerk for the first time.

Mr. Adaska moved and Mr. Lowdermilk seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Adaska moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-112.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-112 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2017-113, entitled:

AN ORDINANCE REPEALING CHAPTER 731, C.O.S., ENTITLED "MECHANICAL AMUSEMENT DEVICES", OF PART SEVEN, ENTITLED "BUSINESS REGULATIONS", IN ITS ENTIRETY.

which was read by title by the Clerk for the first time.

Mr. Rasor moved and Mr. Pribonic seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-113.

Mr. Rasor asked for everyone's support on this ordinance. He thought Chapter 731 of the Codified Ordinances was a stupid law. It has been on the books for far too long. He was hoping they would repeal it this evening.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-113 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Riehl introduced Ordinance No. 2017-114, entitled:

AN ORDINANCE AUTHORIZING EXPENDITURES FOR COMPUTER SUPPORT FROM PROFESSIONAL SERVICES AND BEST PRACTICAL SOURCE PROVIDERS ATNET PLUS, INC. AND CENTERLINK TECHNOLOGIES, LLC, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-114.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-114 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2017-115, entitled:

AN ORDINANCE AUTHORIZING THE HIRING OF MOTLEY RICE LLC, NEALON & ASSOCIATES, P.C., RAFFELLI & PRAZAK, ATTORNEYS AT LAW, AND BRENNAN MANNA & DIAMOND, LLC FOR PURPOSES OF PROVIDING LEGAL COUNSEL, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Rasor moved and Mr. Pribonic seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-115.

Mr. Pribonic wanted to really applaud the Law Director and the City's Safety Forces. He had been to several solemn gatherings in Stow over the last 2-3 years. It was a sad state of affairs where they were at with this. He thought anything they could do to help put Stow into the future and protect their residents was well worth it. He applauded everyone involved for bringing this to the table this evening.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-115 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2017-116, entitled:

AN ORDINANCE APPROVING A RENEWAL EMPLOYMENT CONTRACT BETWEEN THE CITY OF STOW AND BONNIE J. EMAHISER AS CLERK OF COUNCIL FOR THE CITY OF STOW AND ESTABLISHING COMPENSATION.

which was read by title by the President of Council for the first time.

Mr. Rasor moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-116.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2017-116 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Disposition of Bills

MOTION:

Mr. Riehl moved and Mr. Adaska seconded to approve the release of the checks for the current Bill Listing.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, November 16, 2017
at 6:00 p.m.

Finance Committee
Thursday, November 16, 2017
to Follow the Planning Committee

C.O.W.
Thursday, November 16, 2017
to Follow the Finance Committee

City Council
Thursday, November 16, 2017
at 7:00 p.m.

Mr. Adaska stated Mr. Wren had paved the employee parking lot. It was a huge task. They had to fix curbs, storm sewer inlets and the base before putting on the final coat. It was a heck of an improvement. He thanked Mr. Wren for getting that done. Mr. Wren stated the thanks went to his staff.

Adjournment

MOTION:

Mr. Riehl moved and Mr. Costello seconded to adjourn.

Yes Votes: Rasor, Riehl, Adaska, Costello,
D'Antonio, Lowdermilk & Pribonic

No Votes: None. The motion carried.

The meeting adjourned at 7:27 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council